

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARLES B. ZIMMERMAN,)
Plaintiff,)
v.) Case No. 3:07-cv-449-WDS
CSX TRANSPORTATION, INC.,)
Defendant.)

ORDER

This matter is before the Court on the Amended Motion for Physical Exam filed by Defendant CSX Transportation Inc. pursuant to Fed. R. Civ. P. 35 on August 18, 2008 (Doc. 38). The Court previously granted a motion for physical exam (Doc. 36). The instant motion requests an order from the Court specifying a different physician and appointment date. The Plaintiff has not objected to the request for physical exam. As specified below, the motion is **GRANTED**.

Federal Rule of Civil Procedure 35(a) states that:

- (1) The court where the action is pending may order a party whose mental or physical condition--including blood group--is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner.
- (2) The order:
 - (A) may be made only on motion for good cause and on notice to all parties and the person to be examined; and
 - (B) must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.

Fed. R. Civ. P. 35(a) (effective Dec. 1, 2007).

In his complaint, Plaintiff alleges physical injury as a result of defendant's negligence, and has therefore raised his medical condition as an issue in the case. Thus, the Court finds good cause for a medical examination of the Plaintiff.

The Court hereby **ORDERS** Plaintiff, Charles B. Zimmerman to appear at a physical examination by Dr. Rhoderic Peter Mirkin, at his offices located at 12122 Tesson Ferry Rd., Suite 100, St. Louis, Missouri, on **Monday, August 25, 2008, at 10:00 a.m.** Defendant shall forward to Plaintiff's counsel a copy of the doctor's report after the completion of the examination.

IT IS SO ORDERED.

DATED: August 19, 2008

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge